

AMENDED IN SENATE FEBRUARY 27, 2012

SENATE BILL

No. 958

Introduced by Senator Rubio

January 10, 2012

An act to add Section 47612.3 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 958, as amended, Rubio. Charter schools.

(1) Existing law requires a petition to establish a charter school to contain a reasonably comprehensive description of admissions requirements, if applicable, and the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted. Existing law requires a charter school to admit all pupils who wish to attend the school. Existing law authorizes a charter school with a schoolsite physically located in the attendance area of a public elementary school in which 50% or more of the pupil enrollment is eligible for free or reduced price meals to give a preference in admissions to pupils who are currently enrolled in that public elementary school and to pupils who reside in the elementary school attendance area where the charter schoolsite is located.

Existing law authorizes a charter school to be deemed a local educational agency for purposes of special education funding or to be deemed a public school of the local educational agency that granted the charter for those purposes. Existing law requires that individuals with exceptional needs attending charter schools be served in the same

manner as individuals with exceptional needs are served in other public schools.

~~Existing law requires each school district or county superintendent of schools to provide to each needy pupil one nutritionally adequate free or reduced price meal during each schoolday.~~

This bill would require that all special education and related services for an individual with exceptional needs who is enrolled in a charter school *that offers classroom-based instruction, as defined*, be provided ~~on the site of~~ *by the charter school, as specified*, thereby imposing a state-mandated local program. ~~The bill would require a charter school to establish a food service program to provide free and reduced price meals to eligible pupils enrolled in the charter school, thereby imposing a state-mandated local program. The bill would prohibit the attendance policies of a charter school from discriminating against pupils who are migrants.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 47612.3 is added to the Education Code,
2 to read:
3 47612.3. ~~(a)~~—If an individual with exceptional needs is enrolled
4 in a charter school *that offers classroom-based instruction, as*
5 *defined in subdivision (e) of Section 47612.5*, all special education
6 and related services required by the pupil's individualized
7 education program shall be provided ~~on the site of~~ *by the charter*
8 *school through a special education local plan area established by*
9 *the charter school, or the charter school shall join a special*
10 *education local plan area located within the geographical region*
11 *where the charter school is located and the pupil resides, and the*
12 *services provided by the regional special education local plan*
13 *area shall mirror the services that the regional special education*

1 *local plan area provides to pupils attending noncharter public*
2 *schools.*

3 ~~(b) A charter school shall establish a food service program to~~
4 ~~provide free and reduced price meals to eligible pupils enrolled in~~
5 ~~the charter school.~~

6 ~~(e) The attendance policies of a charter school shall not~~
7 ~~discriminate against pupils who are migrants.~~

8 SEC. 2. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.